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| Official Form 1 (4  | <i>(</i> 07)   |   |   | D0  | Cument  | ıα   | gc I (   | JI 12   |   |   |
|---|--|---|---|---|---|--|--|---|---|---|
|   | τ  | U <b>nited S</b><br>Nor                           |   |   | ruptcy (<br>of Illinoi                        |  |  |   |   | Voluntary Petition  |
| Name of Debtor (if individual, enter Last, First, Middle):  Fitzmaurice, David W  |  |   |   |   |   | Name of Joint Debtor (Spouse) (Last, First, Middle):  Fitzmaurice, Susan K |  |   |   |   |
| All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):  |  |   |   |   |   |  | All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): |   |   |   |
| Last four digits of So  | oc. Sec./Comple  | te EIN or oth                                     | ner Tax I   | D No. (if mo  | re than one, state                            |  | our digits   |   | Complete EIN  | $\overline{\mbox{\sc I}}$ or other Tax ID $N_{O}.$ (if more than one, state al  |
| Street Address of Debtor (No. and Street, City, and State):  128 Regal Drive Dekalb, IL  ZIP Code   |  |   |   |   |   | 12   | Street Address of Joint Debtor (No. and Street, City, and State):  128 Regal Drive Dekalb, IL  ZIP Code  |   |   |   |
| County of Residence <b>Dekalb</b>   | or of the Princ  | ipal Place of                                     | Business  |   | 60115   |  | y of Resi<br><b>kalb</b>   | dence or of the   | e Principal Pl  | ace of Business:  |
| Mailing Address of I  | Debtor (if different   | ent from stre                                     | et addres   | s):   | ZIP Code                                      | Mailir   | ng Addres  | ss of Joint Deb   | otor (if differe  | ent from street address):  ZIP Code   |
| Location of Principa<br>(if different from stre   |  |   |   |   |   | <u> </u>   |  |   |   |   |
| (Form o   | page 2 of this f<br>udes LLC and I<br>not one of the abo                           | Corm.  LLP)  ove entities,                        | Sing in I Rail Stoo                               | (Check lth Care Bu gle Asset Re 1 U.S.C. § 1 O.S.C. § 1 oad ckbroker modity Bru ring Bank er  Tax-Exe (Check box tor is a tax- er Title 26 o  | eal Estate as<br>101 (51B)                    | nization<br>States   | defir  | the opter 7 opter 9 opter 11 opter 12   | Petition is F   | business debts.   |
| ■ Full Filing Fee at □ Filing Fee to be pattach signed appris unable to pay to □ Filing Fee waive attach signed apprince of the signed a | ttached  paid in installme  plication for the  fee except in ins  r requested (app | court's consi<br>stallments. Ru<br>blicable to ch | ole to ind<br>deration<br>ale 10060<br>apter 7 in | certifying to the certifying to the certifying to the certification of the certification of the certification of the certifying to the certification of the | hat the debto<br>cial Form 3A.<br>only). Must | Theck  | Debtor if: Debtor' to inside all appli A plan if Accepta   | is a small busing is not a small busing saggregate no ers or affiliates cable boxes: is being filed wances of the pla | ousiness debt<br>incontingent<br>i) are less that<br>with this petit<br>an were solic | s defined in 11 U.S.C. § 101(51D). or as defined in 11 U.S.C. § 101(51D). liquidated debts (excluding debts owed n \$2,190,000. |
| Statistical/Administ Debtor estimates Debtor estimates there will be no f Estimated Number o  1- 50 49 99   | that funds will that, after any equinds available to f Creditors - 100-199         | be available                                      | erty is ex  | cluded and  | administrativ                                 |  |  | - OVER  | _   | S SPACE IS FOR COURT USE ONLY   |
| Estimated Assets  \$\Begin{array}{c} \$0 to & \$10,000 \end{array}\$  Estimated Liabilities  \$\Begin{array}{c} \$0 to & \$50,000 \end{array}\$ \$\$  | \$10,00<br>\$100,0<br>\$50,00<br>\$100,0   | 000<br>01 to                                      | \$1 m   | 0,001 to<br>nillion   | \$100   | 00,001 to<br>million<br>00,001 to<br>million                               |  | More than<br>\$100 million<br>More than<br>\$100 million  |   |   |

Case 07-71619 Doc 1 Filed 07/06/07 Entered 07/06/07 14:55:13 Desc Main Document Page 2 of 12 Official Form 1 (4/07) FORM B1, Page 2 Name of Debtor(s): Voluntary Petition Fitzmaurice, David W Fitzmaurice, Susan K (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Date Filed: Location Where Filed: 06-70887 5/25/06 Location Case Number: Date Filed: Where Filed: See Attachment Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Date Filed: Name of Debtor: Case Number: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10O) with the Securities and Exchange Commission have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. X /s/ Jacqueline J. Montville July 6, 2007 Signature of Attorney for Debtor(s) (Date) Jacqueline J. Montville 6189158 Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ■ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Statement by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord)

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for

Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period

possession was entered, and

after the filing of the petition.

## Official Form 1 (4/07) Voluntary Petition

(This page must be completed and filed in every case)

### Name of Debtor(s):

Fitzmaurice, David W Fitzmaurice, Susan K

#### Signatures

#### Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

#### X /s/ David W Fitzmaurice

Signature of Debtor David W Fitzmaurice

#### X /s/ Susan K Fitzmaurice

Signature of Joint Debtor Susan K Fitzmaurice

Telephone Number (If not represented by attorney)

#### July 6, 2007

Date

#### Signature of Attorney

#### X /s/ Jacqueline J. Montville

Signature of Attorney for Debtor(s)

#### Jacqueline J. Montville 6189158

Printed Name of Attorney for Debtor(s)

#### Jacqueline J. Montville

Firm Name

515 Kendall lane DeKalb, IL 60115

Address

#### Email: blackdog@tbc.net

#### (815) 758-8396 Fax: (815) 758-8806

Telephone Number

July 6, 2007

Date

#### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

#### Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

#### Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

#### Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

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| In re | David W Fitzmaurice, |         | Case No. |  |
|-------|----------------------|---------|----------|--|
|       | Susan K Fitzmaurice  |         |          |  |
|       |                      | Debtors | ,        |  |

# FORM 1. VOLUNTARY PETITION Prior Bankruptcy Cases Filed Attachment

| Location Where Filed | <u>Case Number</u> | Date Filed |
|----------------------|--------------------|------------|
|                      | 06-70887           | 05/25/06   |
|                      | 04-70686           | 02/11/04   |
|                      | 02-73109           | 07/08/02   |
|                      | 86-19527           | 12/12/86   |

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Official Form 1, Exhibit D (10/06)

### United States Bankruptcy Court Northern District of Illinois

| In re | David W Fitzmaurice<br>Susan K Fitzmaurice |           | Case No. |    |
|-------|--|-----------|----------|----|
|       |  | Debtor(s) | Chapter  | 13 |
|       |  |           |          |    |

## EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.] \_\_\_\_

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Official Form 1, Exh. D (10/06) - Cont.

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

| receiving a credit counseling briefing, your case may be dismissed.   |
|---|
| 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]  |
| ☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);       |
| ☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.); |
| ☐ Active military duty in a military combat zone.   |
| ☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.   |
| I certify under penalty of perjury that the information provided above is true and correct.   |
| Signature of Debtor: /s/ David W Fitzmaurice David W Fitzmaurice  |
| Date: July 6, 2007  |

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Official Form 1, Exhibit D (10/06)

### **United States Bankruptcy Court Northern District of Illinois**

|       |                     | Not their District of Hillions |          |    |
|-------|---------------------|--------------------------------|----------|----|
|       | David W Fitzmaurice |                                |          |    |
| In re | Susan K Fitzmaurice |                                | Case No. |    |
|       |                     | Debtor(s)                      | Chapter  | 13 |
|       |                     |                                | •        |    |
|       |                     |                                |          |    |

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- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.] \_\_\_\_

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Official Form 1, Exh. D (10/06) - Cont.

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

| receiving a credit counseling briefing, your case may be dismissed.   |
|---|
| 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]  |
| ☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);     |
| Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.); |
| ☐ Active military duty in a military combat zone.   |
| ☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.   |
| I certify under penalty of perjury that the information provided above is true and correct.   |
| Signature of Debtor: /s/ Susan K Fitzmaurice Susan K Fitzmaurice  |
| Date: July 6, 2007  |

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United States Bankruptcy Court
Northern District of Illinois

| In re                | David W Fitzmaurice<br>Susan K Fitzmaurice   |   |   | Case No.  |  |
|----------------------|--|---|---|---|--|
| III IC               | Odsan K i itzmaunce  |   | Debtor(s)   | Chapter   | 13   |
|                      | DISCLOSURE   | OF COMPENS  | ATION OF ATTOR  | RNEY FOR DE   | CBTOR(S)   |
| co                   | arsuant to 11 U.S.C. § 329(a) an impensation paid to me within one rendered on behalf of the debtor(s) | nd Bankruptcy Rule 2 year before the filing of  | 2016(b), I certify that I are of the petition in bankruptcy   | m the attorney for<br>, or agreed to be pai   | the above-named debtor and tha<br>d to me, for services rendered or to |
| 30                   | For legal services, I have agreed  | •   |   |   | 3,500.00   |
|                      | Prior to the filing of this stateme  |   |   |   | 1,000.00   |
|                      | Balance Due  |   |   | \$  | 2,500.00   |
| 2. \$_               | <b>274.00</b> of the filing fee has be   | een paid.   |   |   |  |
| 3. Th                | ne source of the compensation paid   | to me was:  |   |   |  |
|                      | Debtor   |   | Other (specify):  |   |  |
| 4. Tł                | ne source of compensation to be pai  | id to me is:  |   |   |  |
|                      | Debtor   |   | Other (specify):  |   |  |
| 5. ■                 | I have not agreed to share the firm.   | above-disclosed comp  | ensation with any other pers  | son unless they are m   | nembers and associates of my law                                       |
|                      | I have agreed to share the abo<br>A copy of the agreement, togethe                                     |   |   |   | pers or associates of my law firm. ttached.                            |
| a.<br>b.<br>c.<br>d. | reaffirmation agreement<br>522(f)(2)(A) for avoidance  | situation, and rendering<br>ion, schedules, stateme<br>e meeting of creditors a<br>red creditors to reducts<br>and applications<br>ce of liens on house | g advice to the debtor in dete<br>ent of affairs and plan which<br>and confirmation hearing, an<br>uce to market value; exe<br>as needed; preparation<br>shold goods. | ermining whether to<br>may be required;<br>ad any adjourned hea<br>emption planning;<br>and filing of mot | file a petition in bankruptcy;   |
| 7. By                | y agreement with the debtor(s), the<br>Representation of the d<br>any other adversary pro              | ebtors in any disch   |   |   | es, relief from stay actions or  |
|                      |  | (   | CERTIFICATION   |   |  |
|                      | ertify that the foregoing is a complakruptcy proceeding.   | ete statement of any ag   | reement or arrangement for  | payment to me for re  | presentation of the debtor(s) in                                       |
| Dated:               | July 6, 2007   |   | /s/ Jacqueline J. I<br>Jacqueline J. Moi<br>Jacqueline J. Moi   | ntville 6189158   |  |

ACCOUNTS RECEIVABLE MANAGEMENT 7507 N 2ND ST UNIT C Machesney Park, IL 61115

AFNI, Inc. P.O. Box 3427 Bloomington, IL 61702

Amcore Bank 1210 S. Alpine road Rockford, IL 61108-3946

Associate Area Counsel, SB/SE Internal Revenue Service Suite 2300 200 West Adams street Chicago, IL 60608-5208

CAPITAL ONE BANK PO BOX 5155 Norcross, GA 30091

CITY OF DEKALB 200 SOUTH FOURTH STREET Dekalb, IL 60115

D.Patrick Mullarkey Tax Division DOJ PO Box 55 Ben Franklin Station Washington, DC 20044

Department of the Treasury Internal Revenue Service PO BOX 21126 Philadelphia, PA 19114

Department of the Treasury Internal Revenue Service Kansas City, MO 64999

Experian P.O. Box 2002 Allen, TX 75013

ILLINOIS DEPARTMENT OF REVENUE BANKRUPTCY SECTION 100 W. RANDOLPH ST., SUTE 7-400 Chicago, IL 60601

Internal Revenue Service 5010 CHI 230 S. Dearborn st. Chicago, IL 60604

Internal Revenue Service Centralized Insolvency Operations P.O. Box 21126 Philadelphia, PA 19114

IRS PO Box 970024 Saint Louis, MO 63197

MARATHON PETROLEUM COMPANY PO BOX 81 Findlay, OH 45839

McCALLA RAYMER, LLC 1544 OLD ALABAMA ROAD Roswell, GA 30076-2102

MGIC CREDIT ASSURANCE CORPORATION 250 E. KILBOURN AVE Milwaukee, WI 53202

MIDWEST VERIZON WIRELESS AFNI/VERIZON WIRELESS 404 BROCK DR Bloomington, IL 61701

Nicor P.O Box 549 Aurora, IL 60507

OSF SAINT ANTHONY MEDICAL CENTER PO BOX 5065 Rockford, IL 61125-0065

PLATINUM HOME MORTGAGE CORPORATION 2200 HICKS ROAD, SUITE 101 Rolling Meadows, IL 60008

Rockford Mercantile 2502 S. Alpine rd. Rockford, IL 61108

SOVEREIGN BANK 865 BROOK ST. Reading, PA 19601

WELLS FARGO BANK, N.A. 3476 STATEVIEW BLVD Fort Mill, SC 29715

WELLS FARGO BANK, N.A. 405 SW 5TH STREET Des Moines, IA 50309